

AMENDED IN SENATE JULY 9, 2003  
AMENDED IN SENATE JULY 1, 2003  
AMENDED IN ASSEMBLY MAY 27, 2003  
AMENDED IN ASSEMBLY MAY 7, 2003  
AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1248**

**Introduced by Assembly Member Aghazarian**

February 21, 2003

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An act to amend Section 13264 of, and to add Section 13167.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as amended, Aghazarian. Waste discharge requirements.

(1) Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board and the California regional water quality control boards to carry out various duties relating to water quality, including the issuance of waste discharge requirements ~~and actions to enforce those requirements, including the issuance of time schedule orders, and, water reclamation requirements, and related orders.~~

This bill would require the state board or the regional board, as appropriate, to provide notice and a period of at least 30 days for public comment prior to adopting waste discharge; requirements, water reclamation requirements, or those ~~described~~ *related orders*.

(2) Under existing law, the act prohibits a person from initiating a new discharge of waste, or from making a material change in a discharge, after filing a waste discharge report and before the issuance of waste discharge requirements or a waiver, or the expiration of 120 days under certain conditions, whichever is earlier.

The bill would change that time period to 140 days.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13167.5 is added to the Water Code, to  
2 read:

3 13167.5. (a) The state board or the regional board, as  
4 applicable, shall provide notice and a period of at least 30 days for  
5 public comment prior to the adoption of any of the following:

6 ~~(a)–~~

7 (1) Waste discharge requirements prescribed pursuant to  
8 Sections 13263 or 13377.

9 ~~(b)–~~

10 (2) Water reclamation requirements prescribed pursuant to  
11 Section 13523.

12 ~~(c)–~~

13 (3) An order issued pursuant to Section 13320.

14 ~~(d)–~~

15 (4) A time schedule order adopted pursuant to Section 13300  
16 that sets forth a schedule of compliance and required actions  
17 relating to waste discharge requirements prescribed pursuant to  
18 Section 13263 or 13377.

19 (b) *The notification required by subdivision (a) may be*  
20 *provided by mailing a draft of the waste discharge requirements,*  
21 *water reclamation requirements, time schedule order, or order*  
22 *issued pursuant to Section 13320 to each person who has*  
23 *requested notice of the specific item, or by posting a draft of the*  
24 *respective requirements or order on the official Internet site*  
25 *maintained by the state board or regional board, and providing*  
26 *notice of that posting by electronic mail to each person who has*  
27 *requested notice.*

28 (c) *This section does not require the state board or the regional*  
29 *board to provide more than one notice or more than one public*

1 *comment period prior to the adoption of waste discharge*  
2 *requirements, water reclamation requirements, time schedule*  
3 *order, or order issued pursuant to Section 13320.*

4 SEC. 2. Section 13264 of the Water Code is amended to read:

5 13264. (a) No person shall initiate any new discharge of  
6 waste or make any material changes in any discharge, or initiate  
7 a discharge to, make any material changes in a discharge to, or  
8 construct, an injection well, prior to the filing of the report required  
9 by Section 13260 and no person shall take any of these actions after  
10 filing the report but before whichever of the following occurs first:

11 (1) The issuance of waste discharge requirements pursuant to  
12 Section 13263.

13 (2) The expiration of 140 days after compliance with Section  
14 13260 if any of the following applies:

15 (A) The project is not subject to the California Environmental  
16 Quality Act (Division 13 (commencing with Section 21000) of the  
17 Public Resources Code).

18 (B) The regional board is the lead agency for purposes of the  
19 California Environmental Quality Act, a negative declaration is  
20 required, and at least 105 days have expired since the regional  
21 board assumed lead agency responsibility.

22 (C) The regional board is the lead agency for the purposes of  
23 the California Environmental Quality Act, and environmental  
24 impact report or written documentation prepared to meet the  
25 requirements of Section 21080.5 of the Public Resources Code is  
26 required, and at least one year has expired since the regional board  
27 assumed lead agency responsibility.

28 (D) The regional board is a responsible agency for purposes of  
29 the California Environmental Quality Act, and at least 90 days  
30 have expired since certification or approval of environmental  
31 documentation by the lead agency.

32 (3) The regional board's waiver pursuant to Section 13269.

33 (b) The Attorney General, at the request of a regional board,  
34 shall petition the superior court for the issuance of a temporary  
35 restraining order, preliminary injunction, or permanent injunction,  
36 or combination thereof, as may be appropriate, prohibiting any  
37 person who is violating or threatening to violate this section from  
38 doing any of the following, whichever is applicable:

39 (1) Discharging the waste or fluid.

40 (2) Making any material change in the discharge.

- 1     (3) Constructing the injection well.

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